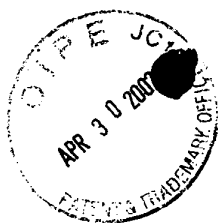


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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | | |
|-----------|---|--------------------------|---|-----------------|
| Applicant | : | Baker et al. |) | Group Art Unit: |
| | | |) | Unknown |
| App. No. | : | 10/017,867 |) | |
| | | |) | |
| Filed | : | December 13, 2001 |) | |
| | | |) | |
| For | : | SECRETED AND |) | |
| | | TRANSMEMBRANE |) | |
| | | POLYPEPTIDES AND NUCLEIC |) | |
| | | ACIDS ENCODING THE SAME |) | |
| | | |) | |
| Examiner | : | Unknown |) | |
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OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. § 1.182

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

The PTO did not receive the following
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ATTENTION: BOX DAC

Dear Sir:

The present Petition is filed in reply to the Notice of Omitted Item(s) in a Nonprovisional Application filed under 37 CFR 1.53(b) mailed on February 26, 2002, a copy of which is attached. Applicants submit that sheet 249 of the formal drawings, on which Figure 246 is located, was duly deposited in the U.S. Patent and Trademark Office (USPTO) on December 13, 2001 with the application papers.

APPLICANTS HEREBY PETITION that sheet 249 (Figure 246) be incorporated into the figures as part of the application as filed on December 13, 2001.

05/02/2002 STEFFERA 00000107 111410 10017867

Adjusted date: 06/14/2002 AKELLEY
05/02/2002 STEFFERA 00000107 111410 10017867
01 FC:122 130.00 CR

Appl. No. : 10,833
Filed : January 11, 2002

In support of the present Petition, enclosed are the following documents:

1. a copy of a Certificate of Mailing by "Express Mail;"
2. a copy of a return receipt postcard, stamped by the USPTO on December 13, 2001; and
3. a copy of sheet 249 (Figure 246) of the drawings.

Both the Certificate of Mailing and the return receipt postcard indicate that the specification contains 249 total sheets. Since the postcard adequately itemizes the number of sheets of formal drawings, the date stamp on the return receipt postcard is *prima facie* evidence that all items listed on the postcard, including all 249 sheets of formal drawings, were received at the USPTO on December 13, 2001 (M.P.E.P. 503). As a result, the post card also provides *prima facie* evidence that Figure 246 was in fact duly deposited with the original application papers filed on December 13, 2001 because Figure 246 is located on sheet number 249.

This statement is made by the attorney signing below.

Enclosed is a check in the amount of \$130 to cover the petition fee under 37 C.F.R. §§ 1.182 and 1.17(h). A refund of the petition fee is hereby requested.

Although no further fees are believed to be due, please charge any further fees and credit refund to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 01/21/2002

By: Ginger R. Dreger

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Appl. No. : 10,833
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